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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent No: 7,323,465)
Issued: Jan. 29, 2008)
Patentee: Bolli et al.) Attorney Docket: ACTELI 18A/E11
Application No. 10/500,485 (patented))
Title: ALKANSUYLFONAMIDES AS)
 ENDOTHELIN ANTAGONISTS)

SUBMISSION UNDER 37 C.F.R. 1.28(c)

RECEIVED

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

FEB 20 2008

OFFICE OF PETITIONS

Dear Sir:

On November 16, 2007, the Patentees paid the Issue Fee for Utility Application No. 10/500,458, now issued US Patent 7,323,465, as a small entity in the amount of \$720. The Patentee did not establish themselves as a small entity, and is thus not entitled to pay the reduced issue fee. Patentees respectfully request that the Commissioner remedy this error by accepting payment of a fee deficiency in the amount of \$720.00.

The current deficient fee owed is \$720.00. Please charge the same to Deposit Account No. 50-4255.

The fee owed is calculated as follows: The Issue Fee in the amount of \$720.00 was previously submitted on November 16, 2007. The correct fee to be paid is \$1,440.00. The deficient fee is thus \$720.00.

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2008 FEB 14 AM 10:11

Patentees paid the Issue Fee as a small entity through error and without deceptive intent, though the error is not necessarily attributed to the Patentee because the Patentee did not establish themselves as a small entity during prosecution of the application. The present application was filed under 35 U.S.C. § 371 on June 29, 2004. The Patentee did not claim small entity status, and paid the normal fee. A Request for Continued Examination was filed on July 27, 2007, and the Patentee did not claim small entity status and paid the normal fee. However, the Notice of Allowance and Fee(s) Due sheet mailed August 23, 2007 indicated that the Patentee was a small entity and was therefore entitled to a reduced fee. As the Patentee did not establish themselves as a small entity, it is uncertain where such an assertion originated from.

Nonetheless, the Patentee did pay the Issue Fee as a small entity through error and without deceptive intent, and the Patentee now requests that the fee deficiency be corrected.

It is believed no other fees are required. If additional fees are required, please charge the same to Deposit Account 50-3464.

Respectfully submitted,

Date:

8 Feb 2008

By

Arthur Yang

Reg. No. 45,721

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